

**Probation Committee
Judicial Conference of Indiana**

**Minutes
January 23, 2009**

The Probation Committee of the Judicial Conference of Indiana met by conference call on January 23, 2009.

1. **Members present.** The following members of the Probation Committee participated in the conference call: John Boyce, Julie Cantrell, David Chidester, Thomas Felts, Thomas Lett, Jane Woodward Miller, Robert Mrzlack, Steven Nation, Mark Smith, and Mark Stoner, chair.
2. **Staff present.** Jenny Bauer, Michelle Goodman, and Bob Champion provided staff assistance to the Committee.
3. **Approval of Minutes.** The minutes from August and November 2008 were approved.
4. **Intrastate Probation Transfers.** Jenny Bauer reported that she has received numerous calls from probation officers with questions about the new intrastate probation transfer procedures. She asked the committee to review a list of frequently asked questions. Judge Mark Stoner led the discussion regarding probable cause/fact-finding hearings, forms, transfer orders and fees. 1) Probable cause-- the committee agreed that a fact-finding hearing needs to be conducted by a judicial officer, that it is not mandatory for a receiving court to conduct a probable cause hearing because the rules state the court "may" do this, and that a receiving court may handle a probation violation administratively with notice given to the sentencing court. 2) Forms-- the committee agreed that the use of the new forms is required for all cases transferred after January 1, 2009 (regardless of conviction date), that no progress report will be drafted, that an order should be drafted for courts to use in accepting supervision or accepting supervision/jurisdiction. 3) Transfer Order-- the committee agreed that the transfer order should be sent with the transfer forms, and that the court order should explain the reason why need to do reporting information. 4) Fees- the committee agreed that the receiving court can still collect the \$75 fee if the sentencing court found the defendant to be indigent, that the receiving court can refuse the transfer if the defendant is unable to pay the \$75 transfer fee, and that the sentencing court is not prohibited from transferring an offender if he still owes fees to the court (sentencing court should note in the transfer order that the defendant owes fees or restitution and note that the fees have been waived or that the offender is on a payment plan that SC will collect). Judge Stoner asked Ms. Bauer to draft a letter to chief probation officers with these clarifications on the intrastate procedures.
5. **Probation Violations under Administrative Rule 9.** Judge Stoner reported to the committee he has a disagreement with State Court Administration's interpretation of Administrative Rule 9 with respect to filing petitions to revoke

probation for positive urine screens. He said that STAD's position is that the petition should be filed on green paper and that Marion County has never filed its petition to revoke in this manner. The committee discussed the practices in their courts, with most saying that PTR's do not get filed on green paper. Judge Stoner stated that he plans to meet with STAD executive director Lilia Judson to discuss the issue.

6. **Next meeting.** The next meeting is scheduled for March 13, 2009 by conference call.

Respectfully submitted,

Jenny Bauer
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